

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Randall Loyis Simpson,

Plaintiff,

v.

Kimberly Scott; Eric McDaniels; Hope
Hatchell; and Sanpana Jennings,

Defendants.

Case No.: 6:19-cv-02948-SAL

ORDER AND OPINION

This matter is before the Court for review of the Report and Recommendation (“Report”) issued by the Magistrate Judge on January 17, 2020. ECF No. 30. In the Report, issued pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.), the Magistrate Judge recommended that this action be dismissed for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915A. Specifically, the Magistrate Judge found that the claims asserted in Plaintiff’s Second Amended Complaint, ECF No. 20, do not rise to the level of constitutional violations, and the facts alleged therefore fail to state a claim under 42 U.S.C. § 1983. No party filed an objection to the Report, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on

the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, this case is DISMISSED WITH PREJUDICE without notice and without issuance and service of process.

IT IS SO ORDERED.

February 24, 2020
Columbia, South Carolina

/s/ Sherri A. Lydon
Sherri A. Lydon
United States District Judge